

R E M A R K S

Careful review and examination of the subject application are noted and appreciated.

CLAIM REJECTIONS UNDER 35 U.S.C. §102

The rejection of claims 1-25 under 35 U.S.C. §102(e) as being anticipated by Williams et al. (U.S. Patent No. 6,407,641, hereinafter Williams) is respectfully traversed and should be withdrawn.

Attached (as Exhibit A) is a Declaration of Timothy J. Williams pursuant to 37 CFR §1.132 providing evidence that Williams is not an invention made by another, and therefore is not available as prior art under 35 U.S.C. §102(e). Specifically, the Applicant is one of the named inventors of Williams (see paragraph 7 of the Declaration of Timothy J. Williams). The subject matter disclosed but not claimed in Williams and relied upon in the rejection was conceived by the Applicant or derived from the work of the Applicant (see paragraph 8 of the Declaration of Timothy J. Williams). Since the subject matter disclosed but not claimed in Williams and relied upon in the rejection was conceived by Applicant or was derived from the Applicant's own work, the material relied upon in the rejection does not constitute an invention by another (see MPEP §§715.01(a), 716.10 and 2136.05). Therefore, because the Applicant's own work may not be used against

him or her unless there is a time bar under 35 U.S.C. §102(b),¹ Williams is not available as a prior art reference under 35 U.S.C. §102(e).

In this case there is no time bar. Specifically, the Application has a filing date of September 22, 2000. Williams has a filing date of February 23, 2000. Therefore, there is no time bar under 35 U.S.C. §102(b). As such, the presently claimed invention is fully patentable over the cited reference and the rejection should be withdrawn.

Accordingly, the present application is in condition for allowance. Early and favorable action by the Examiner is respectfully solicited.


The Examiner is respectfully invited to call the Applicant's representative should it be deemed beneficial to further advance prosecution of the application.

¹ See MPEP §2136.05.

If any additional fees are due, please charge our office
Account No. 50-0541.

Respectfully submitted,

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